

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	
	Plaintiff,
v.	Case No. 1:22-cr-00692-LGS
LAMOR WHITEHEAD,	<b>NOTICE OF RECEIPT OF DISCOVERY FROM THE GOVERNMENT PURSUANT TO ORDER [5] &amp; FRCrP 16</b>
Defendant.	

Defendant LAMOR WHITEHEAD (“Defendant”) by and through his undersigned counsel hereby gives notice of receipt, on 12/31/2022, 5:47 PM ET, of the Government’s disclosures and discovery production pursuant to this Court’s Order [5] entered on 12/19/22 and FRCrP 16(a).

Defendant notes that the Court Order [5] entered on 12/31/2022, required the Government to disclosure information under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) stating, “The Government shall disclose such information to the defense promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case.” [5] at p. 1 (emphasis added). Under Local Criminal Rule 12.4, ““promptly’ shall mean ‘within fourteen (14) days,’” therefore, the Government was required to disclose to defense any *Brady* and *Giglio* information in its possession by 1/3/2023, since 1/2/2023 was a Court legal holiday. *See* Fed. R. Crim. P. 45(a)(1)(C). Therefore, the Government’s production of any *Brady* and *Giglio* information in its possession was timely. However, any *Brady* and *Giglio* information in the Government’s possession at the time of the Order [5] that has not been disclosed to the defense is now untimely and subject to sanctions. [5].

Defendant further notes that Defendant served Rule 16(a) discovery requests upon the Government on 12/23/2022. So, all of the Government’s Rule 16(a) disclosures are due 1/6/2023.

Defendant further notes the Government’s continuing duty to disclose under Rule 16(c).

Respectfully submitted,

Dated: New York, New York  
January 3, 2023

s/ Brian L. Ponder  
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ATTORNEY FOR DEFENDANT

UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,	
	Plaintiff,
v.	Case No. 1:22-cr-00692-LGS
LAMOR WHITEHEAD,	<b>CERTIFICATE OF SERVICE</b>
	Defendant.

I certify that a copy of the foregoing was served upon all parties via CM/ECF.

Respectfully submitted,

Dated: New York, New York  
January 3, 2023

s/ Brian L. Ponder  
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